IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

NO. 80-5551

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031

Appellant

RECEIVED
OCT 17 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

V.

Warren E. Burger
U. S. Supreme Court Judge
Supreme Court Bldg.
Washington, D. C.

Byron R. White
William J. Brennon, Jr.
Potter Stewart
Thurgood Marshall
Harry A. Blackmun
Lewis F. Powell, Jr.
John Paul Stevens
William H. Rehnquist
U. S. Supreme Court Judges
Supreme Court Bldg.
Washington, D. C.

Appelles

JURISDICTIONAL STATEMENT

~~PETITION FOR DIRECT~~ APPEAL TO THE UNITED STATES

SUPREME COURT TO REVIEW THE ORDER IN THIS CASE.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031
Pro-se

Copy mailed to Defendants at addresses stated above.
Solicitor General, Dept. of Justice, Washington, D. C.

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80-5551

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Appellant William E. Conrad moves the Court for an order permitting him to proceed in this Court, in forma pauperis, with his appeal, writ of error, from the order entered in United States District Court for the District of Columbia entered on August 20,1980, pursuant to Rule 46 of this Court. Leave was granted by the above court to proceed in forma pauperis, and in support of attaches affidavit of said Appellant.

Affidavit of William E. Conrad

William E. Conrad, being duly sworn, deposes and says;

I am a citizen of the United States and plaintiff in the action.

I desire to prosecute an appeal from the Order entered without jurisdiction of the United States District Court for the District of Columbia, as a Writ of Error entered in this cause August 20, 1980, pursuant to T 28 U.S.C. 1915 and Act of March 3, 1891 C. 517 #5,#6, 26 Stat. 827,828. Because of my imposed poverty I am unable to pay the costs of such appeal or give security therfor and still be able to provide myself and my dependants with the necessities of life.

I am unable to obtain a certified copy of the record in the court below without payment of fees and costs.

I am entitled to the redress I seekby such appeal, writ of error, and such appeal presents substantial federal and constitutional questions.

I provide the sole means of support for my wife Jean, and for my two children Colleen and Steven.

I have no savings or bank account,own an automobile value approximately valued between $500.00 and $1,000.00.

Wherefore, affiant prays that he may have laeve to proceed in this court on appeal, writ of error in forma pauperis.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031

Subscribed and sworn to before me this 29 day of Sept., 1980

Notary Public

My Commission expires May 4, 1982 County of St. Louis Missouri

JURISDICTIONAL STATEMENT

1A 1. Has Act of Congress March 3, 1891 C. 517, #5, 6, 26 Stat 827, 828 been repealed?

2. Has Act of Congress September 24, 1789 C.29, 1 Stat. 73 been repealed?

3. Has Act of Congress April 9, 1866 Ch.31, 14 Stat 27 been repealed?

4. Can Congress of the United States pass Acts affecting Constitutional Rights, Vested Rights enunciated, or not, enumerated in the United States Constitution?

5. Are not the Federal Rules of Civil Procedure in conflict with the United States Constitution?

6. Is United States Code Title 28-1915 in conflict with due process clause provisions of United States Constitution?

7. Is Act of Congress June 25, 1948 C.646 62 Stat 869 new law, new enactment of new laws?

B. William E. Conrad vs. Warren E. Burger, Byron R. White, William J. Brennan, Jr, Potter Stewart, Thurgood Marshall, Harry A. Blackmun, Lewis F. Powell, Jr, John Paul Stevens, William H. Rehnquist.
Case No. 80-2143

C. Act of September 24, 1789 A. 1
Act of April 9, 1866 A. 2
Act of March 3, 1891 A. 3
Act of June 25, 1948 A. 4

Abell v U.S., 518 F.2d. 1369, 1376
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McVeigh v U.S. 8 Wall 640
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Railroad Co. v Linsay 4 Wall, 650, 656
Re Giannini Inc. 90 F.2d. 445
Roach v Mulingo, 16 Peters 319, 322
Shields v Coleman, 157 U.S. 168, 176-177
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Smyth v Asphalt Belt Ry. 267 U.S. 326, 327
State ex rel Coonley v Hall 246 S.W. 35, 296 MO. 201
U.S. v Borden Co. 308 U.S. 188, 198 60 S.Ct. 182, 188
Wartman v Branch 7 Civil D.Cty. Ct.
Milwaukee Cty, Wis. 510 F.2d. 130
Wayman v Southard, 23 U.S. 1. 13-15, 42-43

D. Motion for Leave to File in Forma Pauperis filed August 11, 1980 "Leave to file without prepayment of costs granted. Dismissed 28 USC 1915(d) See 79-0846, 79-3248, 80-1087 August 20, Judge Hart" (R. 1

Motion for Leave to File for Notice of Appeal in forma pauperis filed September 9, 1980 "Denied. This Court has no authority to grant the relief requested. Hart 9/9/80."

United States District Court for the District of Columbia did not send Mesne report. (See R.2)

Notice of Appeal and Bill of Exceptions filed September 9, 1980. R.2

E. This is a proceeding for vindication of Federal Civil Rights and Right of access to the courts of the United States of America. This Court has jurisdiction and is mandated by Act of March 3, 1891 C.517 #5,6, 26 Stat 827,828 to accept direct appeal "In any case in which the jurisdiction of the Court is in issue; in such cases the question of the jurisdiction alone shall be certified to the Supreme Court from the Court below for decision. In any case that involves the construction or application of the Constitution of the United States. In any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority, is drawn in question." The Act has never been repealed and is submitted for judicial notice as legal evidence under United States Code Title 1-112.

(11) Order was entered August 20, 1980, Notice of Appeal filed September 9, 1980 (R.1,2)
United States District Court for the District of Columbia.

(111) Act of March 3, 1891 C.517 #5,#6 26 Stat. 827, 828
Lau Ow Bew 12 S.Ct. 517,519
Shield v Coleman 157 U.S. 168, 176-177
Smyth v Asphalt Belt Ry 267 U.S. 326, 327
Abell v U.S. 518 F.2d. 1369, 1376
In Re Bear River Drainage Dist. 267 F.2d. 849

F. Text in Appendix
Act of September 24, 1789 C. 29 1 Stat 73
Act of April 9, 1866 C. 31 14 Stat 27
Act of March 3, 1891 C.517 26 Stat 826
Act of June 25, 1948 C.646 62 Stat 569

G. Appellant submitted 3 seperate complaints to the United States District Court for the District of Columbia, which were illegally submitted to one judge instead of (3) three judges. (See local Rules) Each was delayed, abated from August 11, to August 20, 1980. The Court never applied Federal Rules of Civil Procedure 3, 4, 5. The judge under color of law interfered into the case and submitted his own evidence, after his own investigation, with or without defendants knowledge, quashed petitions and summons, which were never delivered in total violation of Constitutional Rights of Act of Congress September 24, 1789 C.29 1 Stat. 73, (Sections (8) oath of office, (9,12,15,17) trial by jury, (30) oral testimony, (32) No summons, process to be quashed, abated: Denied Due process of Law, (35) Parties to plead own cases personally.) which has never been repealed by the United States Congress. (act enclosed under USC T-112 as legal evidence)

Section 32 of Act of September 24, 1789 Ch 20 1 Stat 73 states "That no summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the Courts of the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, "- - - - -.

The issues raised under the United States Constitution and the Federal Civil Rights Act of April 9, 1866 C. 31,14 Stat 27 were never considered, never adjudicated, the Act of 1866, 9 April has never been repealed.

H. This Court derives Judicial power from the United States Constitution and from the Special Statutes made pursuant to it. This Court is bound by the Constitutional Oath of Office, the mandatory provisions of the Constitutional appellate judicial power and the mandatory, statutory provisions of an unrepealed Act of Congress March 3, 1891 C.517 #5, #6, 26 Stat. 827,828. Judge Hart under the color of law has submitted his own evidence in a cause where he is not a party, entered a judgment without Constitutional or statutory authority, the court never acquired jurisdiction over the parties, subject matter or to render a decision to suborn this appellants Constitutional Rights. The Federal Rules of Civil Procedure and U.S.C. T-28-1915 exercised under Act of June 25, 1948 C.646. 62 Stat. 869 are prohibited by the United States Constitution as Bills of Attainder.

Briefs on the merits and oral argument require plenary consideration as this appellant is the first United States Citizen to be punished by Bill of Attainder and Judicial Attainder with the imposition of punishment without trial by jury, or access to the courts of the United States for resolution of the Bill of Attainder and Judicial Attainder.

The first and formost duty of any federal court is to inquire into it's own constitutional exercise of jurisdiction, and under constitutional grant of jurisdictional power, must proceed and give judgment according as the right of the cause and the matter in law shall appear unto them, as the True Right of Due Process of Law.

BRIEF

1A 1. Has Act of Congress March 3, 1891 C. 517, #5, 6, 26 Stat 827, 828 been repealed?

2. Has Act of Congress September 24, 1789 C.29, 1 Stat. 73 been repealed?

3. Has Act of Congress April 9, 1866 Ch.31, 14 Stat 27 been repealed?

4. Can Congress of the United States pass Acts affecting Constitutional Rights, Vested Rights enunciated, or not, enumerated in the United States Constitution?

5. Are not the Federal Rules of Civil Procedure in conflict with the United States Constitution?

6. Is United States Code Title 28-1915 in conflict with due process clause provisions of United Sta tes Constitution?

7. Is Act of Congress June 25, 1948 C.646 62 Stat 869 new law, new enactment of new laws?

B. William E. Conrad vs. Warren E. Burger, Byron R. White, William J. Brennan, Jr, Potter Stewart, Thurgood Marshall, Harry A. Blackmun, Lewis F. Powell, Jr, John Paul Stevens, William H. Rehnquist.
Case No. 80-2143

C. Act of September 24, 1789 A. 1
Act of April 9, 1866 A. 2
Act of March 3, 1891 A. 3
Act of June 25, 1948 A. 4

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McVeigh v U.S. 8 Wall 640
Nichols v Schubert, 499 F.2d. 946
Railroad Co. v Linsay 4 Wall, 650, 656
Re Giannini Inc. 90 F.2d. 445
Roach v Hulingo, 16 Peters 319, 322
Shields v Coleman, 157 U.S. 168, 176-177
Sinwell v Shopp 536 F.2d. 15,18
Smyth v Asphalt Belt Ry 267 U.S. 326, 327
State ex rel Coonley v Hall
246 S.W. 35, 296 MO. 201
U.S. v Borden Co. 308 U.S. 188, 198 60 S.Ct. 182, 188
Wartman v Branch 7 Civil D. Cty. Ct.
Milwaukee Cty, Wis. 510 F.2d. 130
Wayman V Southard, 23 U.S 1, 13-15, 42-43

D. Motion for Leave to File in Forma Pauperis filed August 11, 1980 "Leave to file without prepayment of costs granted. Dismissed 28 USC 1915(d) See 79-0846, 79-3248, 80-1087 August 20, Judge Hart")R.1

Motion for Leave to file for Notice of Appeal in forma pauperis filed September 9, 1980 "Denied. This court has no authority to grant the relief requested. Hart 9/9/80"

United States District Court for the District of Columbia did not send Mesne report. (See R.2)

Notice of Appeal and Bill of Exceptions filed September 9,1980. R.2

This is a proceeding for vindication of Federal Civil Rights and Right of Access to the Courts of the United States of America. This Court has jurisdiction and is mandated by Act of March 3, 1891 C. 517 #5,6, 26 Stat 827,828 to accept direct appeal "In any case in which the jurisdiction of the Court is in issue; in such cases the question of the jurisdiction alone shall be certified to the Supreme Court from the Court below for decision. In any case that involves the construction or application of the Constitution of the United States. In any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under the authority, is drawn in question." The Act has never been repealed and is submitted for judicial notice as legal evidence under United States Code Title 1-112.

This direct appeal, Writ of Error is submitted within the (60) sixty day filing period.

F. (Text in Appendix)
Act of September 24, 1789 C. 29 1 Stat 73
Act of April 9, 1866 C.31 14 Stat 27
Act of March 3, 1891 C.517 26 Stat 826
Act of June 25, 1948 C.646 62 Stat. 869

G. Appellant filed complaint; summons and petition quashed and dismissed. When appeal is filed, it also is dismissed without going to the merits of the petition or to the merits of the appeal. The Federal Rules of Civil Procedure are not followed by the Federal Courts and Federal Judges. The United States Constitution is not followed by the Federal Courts and Federal Judges. (R. 1,2)
(See Act of September 24, 1789 C.29 1 Stat. 73 A.1)
(See Act of March 3, 1891 C. 517 26 Stat. 826 A.3)

Section 32 of Act of September 24, 1789 C.29 1 Stat 73 states "That no summons, wrt, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form,"- - - -. A.3 Act of March 3, 1891 C.517 #5,6, 26 Stat 827,

H. When a petition is filed in any federal court the summons and process cannot be quashed, abated, nor can the appeal be dismissed by the Supreme Court judges without going to the merits of the cause.

A1. Act of September 24, 1789 C.29 1 Stat 73 #32, McVeigh v. U.S., 8 Wall 640, Railroad Co. v Lindsay, 4 Wall 650, 656, Roach v Hulingo, 16 Peters 319,322,1 Gallis C.C. R. 22.
A.3 Act of March 3, 1891 C.517 #5,6, 26 Stat 827,828, Lau Ow Bew v U.S.. 12 S.Ct. 517,519, Shields v Coleman, 157 U.S.. 168, 176-177 Smyth v Asphalt Belt Ry.. 267 U.S.. 326,327

Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure and Supreme Court Rules are in conflict with the United States Constitution and Statutes at Large and must be declared void and unconstitutional.
Wayman v Southard, 23 U.S. 1, 13-15, 42-43, 10 Wheat 1.

Supreme Court is mandated to receive a direct appeal (Act of March 3, 1891) whenever a final judgment of the court below is void.
State ex rel Coonley v Hall, 246 S.W. 35, 296 Mo. 201. King v Riley, 498 S.W. 2d. 564,566.

Once judge has granted permission to proceed in forma pauperis the matter cannot be dismissed until summons and process has been served.
Wartman v Branch 7 Civil D. Cty. Ct. Milwaukee Cty, Wis. 510 F.2d. 130.
Nichols v Schubert, 499 F.2d. 946,. Sinwell v Shopp 536 F.2d. 15,18.
Dear v Rahje, 485 F.2d.. 558,560.

Federal Rules of Civil Procedure of mandatory character, a judge has no discretion to dispense with it.
Re Giannini, Inc. 90 F.2d.445

Repeals of statutes by implication are not favored, and intention of Congress to repeal, modify or supercede must be clear and manifest.
in Re Bear River Drainage Dist. 267 F.2d. 849. Lau Ow Bew v. U.S. 12 S.Ct. 517,519. U.S.. v. Borden Co., 308 U.S. 188,198 60 S.Ct. 128,188.

A.2 Act of April 9, 1866 C.31 14 Stat 29 provides civil vindication of Federal Civil Rights denied or withheld under the color of law. The Civil Rights Act only enunciates and enumerates the common law rights protected by the United States Constitution. Just as Act of September 24, 1789 C.29 I Stat 73 enunciates and enumerates constitutional rights in Sections 8, oath of office, 9,12,15,17, trial by jury, 30, testimony and oral testimony, 32, no summons, process to be quashed, abated; Due process clause, 35, parties to plead clauses personally.

A.4 Act of June 25, 1948 C.646 62 Stat 869 must acceed to: Where there is a conflict between codification and Statutes at Large, Statutes at Large must prevail.
Abell v U.S. 518 F.2d. 1369, 1376.

Court rules cannot shift the burden of Proof, it is the courts duty to inquire of its jurisdiction.

U.S.C. T-1-112 requires submission to the Court of the Statute at Large still in effect, Judicial notice as legal evidence of Supreme Law of the Land, as a special statute made pursuant to the United States Constitution. A.6

J. I demand the whole case be brought before Supreme Court immediately for resolution according to the Constitution and Statutes made pursuant to it. I demand my Constitutional Right of Appeal, Oral argument to defend my Rights, and access to the courts of the United States.

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C., 20001

CO-217
Rev. 3/7

August 21, 1980

William E. Conrad

vs. Civil Action No. 80-2143

Warren E. Burger, et al.

Dear Mr. Conrad,

In the above-entitled cause, please be advised that on August 20, 1980, Judge Hart endorsed thereon as follows:

"Leave to file without prepayment of costs granted. Dismissed 28 USC 1915(d). See 79-0846, 79-3248, 80-1087, 80-2141 & 80-2142 John Pratt John Cowan"

JAMES F. DAVEY, Clerk

By: Deputy Clerk

(All correspondence and papers in connection with the case pending should bear the number referred to above.)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

FILED

SEP 9 1980

JAMES F. DAVEY, Clerk

WILLIAM E. CONRAD

VS

WARREN E. BURGER, et al

NO. 80-2143

MOTION FOR LEAVE TO FILE NOTICE OF APPEAL IN FORMA PAUPERIS

William E. Conrad forma pauperis Plaintiff with supporting affidavit in Cause No. 80-2143 moves the Court for an order permitting him to file a Writ of Error, Appeal to the Supreme Court of the United States.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that William E. Conrad forma pauperis Plaintiff, hereby Appeals to the Supreme Court of the United States from the Final Order dismissing Complaint CA No. 80-2143. "Leave to file without prepayment of costs granted. Dismissed 28 USC 1915 (d). See 79-0846, 79-3248, 80-1087, 80-2141 and 80-2142."

August 20, 1980 Judge Hart

This appeal is taken pursuant to Statute at Large of March 3, 1891 C 517 5, 6, 26 Stat 827, 828, Act of August 24, 1937 C. 754 2, 50 Stat. 752, 755, 28 USC T-28-1252.

Bill of Exceptions, Assignment of Errors attached.

9/10/80
Leave to appeal in forma pauperis denied. Clerk shall docket appeal but no authority to grant the relief requested.

FILED

SEP 10 1980

JAMES F. DAVEY, Clerk

William E. Conrad

2856 Dividend Park Dr.
Florissant, Mo. 63031

I have this day September 4, 1980 mailed copy to defendants as address stated.